



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,557	01/16/2002	Daniel Roy Schlee	74331.000004	9638
21967 7590 12/24/2008 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109				
EXAMINER				
NGUYEN, TRI V				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
12/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/051,557

Applicant(s)

SCHLEE, DANIEL ROY

Examiner

TRI V. NGUYEN

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. Upon entry of the amendment filed on 09/23/08, Claims 48-55 are amended, Claims 56 and 57 are added and Claims 1-47 are cancelled. The currently pending claims considered below are Claims 48-57.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 48-57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 48 and 52, the initial step of the method include providing a database with participating consumers with personal and demographic data and an additional step is directed to forming a list of manufacturer consumer; it is unclear as to which consumer is referred to in the subsequent steps as the claim only states "one or more consumers". It is also unclear as to why a registration step is present since the database with the participating consumer has already been provided previously. Furthermore, there seems to be contradictory steps as claims 48/52 states that the distribution is controlled by the manufacturer while claims 56/57 allow for the selection by the consumer.

Claims 49-51 and 53-55 are dependent on claim 48 and 52 thus inherit the same deficiencies.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 48, 49, 52, 53, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel in view of Barnett et al., the GMA press release and Ewoldt.

Claim 48: Postrel discloses a method comprising the steps of:

a) providing a database of a plurality of participating consumers in a host computer, the database comprising personal and demographic data associated with each consumer of the plurality of participating consumers, the personal and demographic data for each respective consumer originating from at least one of: each respective consumer and a third party (Postrel: § 11, 15, 18, 34 and 37); and

b) interfacing between the host computer and one or manufacturers, the interfacing comprising:

- i) inputting, by each manufacturer, information comprising:
manufacturer data comprising textual and image content associated with the manufacturer; a Uniform Code Council (UCC) code assigned to the manufacturer; brand name data; and product data comprising: a UCC code assigned to each product of the manufacturer; and content for each product comprising textual and image content for each product, wherein the textual and image content for each product further comprises a product description, a brand name, and a product size indicia (Postrel: § 11, 15, 18, 34 and 37);
- ii) inputting, by each manufacturer, data for consumer selection comprising: textual and image content associated with the manufacturer; textual and image content associated with a product of the manufacturer; and a manufacturer coupon comprising:

- the UCC code assigned to the manufacturer; the UCC code assigned to each product of the manufacturer; a UCC manufacturer coupon family code; a UCC manufacturer coupon value code; a UCC manufacturer coupon extended bar code; a manufacturer coupon offer code; a description of one or more products required to be purchased to redeem the promotional material; and a manufacturer coupon expiration date;
- iii) inputting, by each manufacturer, one or more manufacturer target consumer profiles comprising: gender; age; delivery interval; and one or more zip code regions for promotional material delivery (Postrel: § 11, 15, 18, 34 and 37);
 - iv) specifying, by each manufacturer, content for the manufacturer coupon comprising: the UCC code assigned to the manufacturer; the UCC code assigned to each product of the manufacturer; the UCC manufacturer coupon family code; the UCC manufacturer coupon value code; the UCC manufacturer coupon extended bar code; the UCC manufacturer coupon offer code; the description of one or more products required to be purchased to redeem the manufacturer coupon; and the expiration date;
 - v) querying the database to obtain manufacturer query results;
 - vi) forming a list of manufacturer consumers from the manufacturer query results to receive the promotional coupon, the list including a representative manufacturer consumer having a manufacturer consumer identification; and
 - vii) saving the manufacturer query results;
- c) interfacing between the host computer and one or more consumers, wherein the host computer and the one or more consumers are separate entities, the interfacing comprising: registering the one or more consumer;
 - d) generating the manufacturer coupon by the host computer, as directed by the manufacturer, the manufacturer coupon comprising: the UCC code assigned to the

manufacturer; the UCC manufacturer coupon family code; the UCC manufacturer coupon value code; the manufacturer coupon extended barcode; a manufacturer/military coupon indicator; the manufacturer coupon expiration date; the manufacturer coupon offer code; and a manufacturer coupon consumer identification code comprising a serial number and a bar code representation of serial numbers; and

e) distributing the manufacturer coupon using the host computer, as directed by the manufacturer, to a physical address of the one or more registered manufacturer consumers (Postrel: § 11, 15, 18, 34 and 37); and

f) redeeming the manufacturer coupon at a retailer by the one or more registered manufacturer consumers; wherein the retailer and the one or more manufacturer are separate entities (Postrel: § 11, 15, 18, 34 and 37).

Claim 49: Postrel discloses the method of claim 48, the method further comprising the steps of:

a) interfacing between the host computer and one or more retailers, the interfacing comprising:

i) inputting, by each retailer, consumer selection information comprising: retailer data comprising textual and image content associated with the retailer; a retailer coupon offer code; and a retailer coupon value (Postrel: § 11, 15, 18, 34 and 37);

ii) inputting one or more retailer target consumer profiles comprising: gender, age, zip code region, and delivery interval;

iii) specifying, by each retailer, content for a retailer coupon comprising: the retailer offer code; a retailer expiration date; and the retailer coupon value (Postrel: § 11, 15, 18, 34 and 37);

iv) querying the database to obtain retailer query results (Postrel: § 11, 15, 18, 34 and 37);

Art Unit: 1796

- v) forming a list of retailer consumers from the retailer query results to receive the retailer coupon, the list including a representative retailer consumer having a retailer consumer identification (Postrel: § 11, 15, 18, 34 and 37); and
- vi) saving the retailer query results (Postrel: § 11, 15, 18, 34 and 37); and
- b) generating the retailer coupon by the host computer, as directed by the retailer, the retailer coupon comprising:
 - i) the retailer coupon offer code;
 - ii) the retailer coupon expiration date; and
 - iii) a retailer coupon consumer identification code comprising a serial number and a bar code corresponding to a retailer consumer identification comprising a serial number and a bar code representation of the serial number to identify one or more registered retailer consumers;
- c) distributing the retailer coupon using the host computer, as directed by the retailer, to a physical address of the one or more registered retailer consumers (Postrel: § 11, 15, 18, 34 and 37); and
- d) redeeming the retailer coupon at the retailer by the one or more registered retailer consumers.

Claim 56: The method of claim 48, wherein the step of interfacing between the host computer and one or more consumers further comprises:

offering the manufacturer coupon via an online interface for selection by the one or more consumers; and

recording a selection of the manufacturer coupon made by the one or more consumers (§ 12, 28 and 30).

Thus, Postrel teaches the process of distributing customized coupons targeted to consumer based on inputs by the offering companies and registration data (demographic, travel destinations, occupations, ...) provided by the consumers that includes various participating entities and packages with services and products (Postrel: § 11, 15, 18, 24, 34 and 37). Postrel teaches the adaption of the process to provide coupons for products and services to be redeemed at various point of sales – gift shops, hotels and stores which can be construed as meeting the retailing criteria (§ 22 and 24). Furthermore, Postrel discloses the feature of the push and pull couponing schematic in which the offering companies and consumers are respectively controlling the selection of the coupons (§ 12, 28 and 30). However, Postrel does not explicitly disclose the features of a manufacturer/retailer coupon, textual or image contents, a targeted profile based on various criteria such as age, gender or zip code regions. In an analogous art, Barnett et al. disclose a process of distributing manufacturer and retail coupons targeted to subscribed customers based on profiling features such as location/zip code and demographics (Barnett et al.: abstract; col 1, lines 21-32, col 4, lines 34-38; col 9, lines 46-53; col 10, lines 17-31 and col 12, lines 26-65). In Figure 5, Barnett et al. show the graphics and textual content of a manufacturer's coupon. The GMA reference teaches the feature of coupon standards (pages 1 and 2) and the Ewoldt reference teaches that retail and manufacturer coupons are well known (page 1). The claims would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. The adaptation of the coupon distribution method to specific practices would be well within the purview of skill artisan in the art of marketing at the time of the invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to gain brand name recognition and increase sales via the distribution and consumption of the coupons to targeted

audience and to restrict or define a specific geographical region in the distribution of the coupons for marketing purposes (e.g. targeted promotional campaign).

Claims 52, 53 and 57 describe the system of the method of Claims 48, 49 and 56 respectively; thus, the prior art of Postrel, Barnett, GMA and Ewoldt as set forth above are relied upon to reject Claims 52, 53 and 57.

5. Claims 50, 51, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel in view of Barnett, GMA and Ewoldt and further in view of Gupta et al.

Postrel, Barnett, GMA and Ewoldt disclose the coupon distribution method but do not explicitly disclose the feature of nutritional data associated with the coupon. In an analogous art, Gupta et al. disclose the feature of a nutritional data in the process coupon distribution (col 1, lines 15-36). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. The adaptation of the coupon distribution method to specific product would be well within the purview of skill artisan in the art of marketing at the time of the invention.

Claims 54 and 55 describe the system of the method of Claims 50 and 51 respectively; therefore, the prior art of Postrel, Barnett, GMA, Ewoldt and Gupta as set forth above are relied upon to reject Claims 54 and 55.

Response to Arguments

Applicant's arguments filed 09/23/08 have been fully considered but they are not persuasive.

Regarding claims 48, 49, 52 and 53, applicants argue that the cited references do not teach a three-party system (manufacturer, retailer and consumer) interacting via a host computer with the coupons being delivered to a physical address of the consumer (page 18 et seq.). The examiner respectfully disagrees as the Postrel reference teaches the feature of the coupon server interacting with the offering company, the consumer, the redemption point of sale (§ 68-75) and coupons being delivered to a physical address (§ 40, 62, 75). The Barnett, GMA and Ewoldt references are relied upon to teach the feature of manufacturer and retailer coupons and the schematic of redeeming coupons.

Regarding claims 50, 51, 54 and 55, applicants argue that the dependent would be allowable based on the independent claims being allowable. The examiner directs applicants to the rejections/discussions of the independent claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRI V. NGUYEN whose telephone number is (571)272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

Art Unit: 1796

would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./

Examiner, Art Unit 1796

December 25, 2008

/Eric W. Stamber/

Supervisory Patent Examiner, Art Unit 3622